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6 ESTATE OF LEVI B. BOYNTON, JR.
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8
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

9 IFETAYO R. AZIBO-BOYNTON, an) **CASE NO. C10-04151**
10 individual; and the ESTATE OF LEVI B.)
BOYNTON, JR. by and through personal)
representative IFETAYO R. AZIBO-)
BOYNTON,)
12 Plaintiffs,) **EX PARTE REQUEST TO CONTINUE**
13 CITY OF PINOLE, a city governmental) **APRIL 3, 2012 STATUS CONFERENCE;**
entity; TIM COUWELS, an individual;) **ORDER THEREON**
15 CHRIS FODOR, an individual; ZACH)
BLUME, an individual; PAUL M.) **Ex Parte Date:** **March 29, 2012**
16 CLANCY, an individual; and DOES 1-50,) **Date of Status**
inclusive,) **Conference:** **April 3, 2012**
17 Defendants.) **Honorable Judge Nandor J. Vadas**
18

19 Plaintiffs' counsel Linnea N. Willis hereby respectfully requests that the Court continue
20 the April 3, 2012 Status Conference.
21

22 The Court vacated the hearing on the Motion to Compel Further Responses and ordered
23 the parties to meet and confer by March 30, 2012. *See Docket Sheet #72.* In the same Order, the
24 Court set a Status Conference for April 3, 2012. *See id.* The parties have a 3pm meeting today
25 March 29, 2012 to conduct an in person Meet and Confer as ordered by the Court. However,
Plaintiffs' counsel is unavailable on April 3, 2012 for a Status Conference, because Plaintiffs'

1 counsel is currently scheduled to be in Florida taping a television interview for the Today Show
2 with another client, Dennis Rodman. Plaintiffs' counsel was just informed of this interview late
3 yesterday (March 28, 2012), and is in the process of obtaining further details. Plaintiffs' counsel
4 was already scheduled to be out of state next week and was already going to request a
5 continuance of the April 3, 2012 hearing, but now Plaintiffs' counsel needs to continue the
6 hearing on this basis. The filming is currently scheduled for Tuesday April 3, 2012 in Florida.
7 Because of the uncertainty of the interview schedule and the time length, it does not appear
8 possible to conduct the Status Conference even by telephone.

10 The Status Conference is important to Plaintiffs' counsel, and Plaintiffs' counsel does not
11 want to send anyone else to make the Status Conference appearance for her.

12 Plaintiffs' counsel requested that Defendants' counsel stipulate to a continuance of the
13 April 3, 2012 Status Conference on three occasions, but was just told yesterday March 28, 2012
14 by counsel McPherson that "I can't stipulate." As a result, Plaintiffs' counsel is forced to bring
15 this Ex Parte Request.

17 It is therefore respectfully requested that the Court vacate the April 3, 2012 Status
18 Conference, and re-set it to the following week at the earliest. Plaintiffs' counsel is scheduled to
19 be out the rest of the week of April 2-6, 2012. Plaintiffs' counsel is available April 9, 10, 11, 16,
20 17, 18, 23, 24, 25, 26, 27, and other dates. Plaintiffs' counsel can be reached by the Court
21 anytime on her cell phone at (510) 589-0207 if the Court needs to address the date.

22 RESPECTFULLY SUBMITTED,

23 DATED: March 26, 2012

/s/ Linnea N. Willis

24 LINNEA N. WILLIS, Attorney for Plaintiffs
25 IFETAYO R. AZIBO-BOYNTON and
ESTATE OF LEVI B. BOYNTON, JR.

1 **SUPPORTING DECLARATION OF LINNEA N. WILLIS**

2 I, Linnea N. Willis declare as follows:

3 1. I am the attorney for Plaintiffs in the matter and am duly licensed to practice
4 before all states in California. I have personal knowledge of the information set forth
5 within, except for those matters stated on information and belief, and as to those matters I
6 believe them to be true. I would competently testify to the matters set forth within as
7 stated below.

8 2. I respectfully request that the April 3, 2012 hearing be continued as set forth
9 within. I was already originally scheduled to be out of the office the entire week of April
10 2-6, 2012. And now I was told that I am currently scheduled to be in Florida on Tuesday
11 April 3, 2012 to film an interview with the Today Show for one of my other clients,
12 Dennis Rodman. As of the filing of this Ex Parte Application, I have been told that we
13 will tape on Tuesday April 3, 2012, but I am still awaiting the schedule for that day and
14 other details.

15 3. It therefore does not appear that I can guarantee that I will be available to conduct
16 this very important Status Conference. And I do not want someone else to appear
17 telephonically for me for this Status Conference. This Status Conference is extremely
18 important to me.

19 4. Since the Court first set the Status Conference, I made requests to opposing
20 counsel on March 20, 2012, March 23, 2012 and March 28, 2012 asking if they were
21 agreeable to continue the Status Conference. Yesterday March 28, 2012, I received an
22 email from Ms. McPherson saying "I can't stipulate." Therefore I am filing this Ex Parte
23 Request.

5. The parties have a 3pm meeting today to Meet and Confer in person as ordered by the Court. Therefore, I currently see no reason that we will not be able to conduct our in person Meet and Confer by the March 30, 2012 deadline.

6. However, I respectfully request that the Court vacate the April 3, 2012 Status Conference, and re-set it to the following week at the earliest. I am scheduled to be out the entire week of April 2-6, 2012. I am available April 9, 10, 11, 16, 17, 18, 23, 24, 25, 26, 27, and other dates. I can be reached by the Court anytime on my cell phone at (510) 589-0207 if the Court needs to address the date or any other issues.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and executed on this day in Oakland, California.

RESPECTFULLY SUBMITTED,

DATED: March 26, 2012

/s/ Linnea N. Willis

LINNEA N. WILLIS, Attorney for Plaintiffs
IFETAYO R. AZIBO-BOYNTON and
ESTATE OF LEVI B. BOYNTON, JR.

ORDER THEREON

The above Ex Parte Application is GRANTED.

The Status Conference currently scheduled April 3, 2012 at 11:00 a.m. is vacated and continued to April 10, 2012, 2012 at 1:30 pm a.m./p.m. before this Court.

IT IS SO ORDERED.

DATED: March 30, 2012

KW

HONORABLE JUDGE NANDOR J. VADAS